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SPRINT COMMUNICATION COMPANY L.P.:
ARIZONA C.C. TARIFF NO. 3 – TOLL FREE 8YY
TRANSIT TRAFFIC SERVICES

Docket No. T-02432B-09-0401
MOTION TO SUSPEND

**MOTION OF AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.
TO SUSPEND AND/OR REJECT PROPOSED TARIFF REVISIONS**

AT&T Communications of the Mountain States, Inc. and its affiliates operating in Arizona ("AT&T"), pursuant to A.R.S. §§ 40-250 and 40-367, move that the Commission suspend and/or reject the tariff revisions filed by Sprint Communications Company L.P. on August 21, 2009. A memorandum in support of this motion is attached.


RESPECTFULLY SUBMITTED this 15th day of September, 2009.

By 

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Arizona Corporation Commission
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1 **MEMORANDUM IN SUPPORT OF MOTION OF**
2 **AT&T COMMUNICATIONS OF THE MOUNTAIN STATES, INC.**
3 **TO SUSPEND AND/OR REJECT PROPOSED TARIFF REVISIONS**

4 AT&T Communications of the Mountain States, Inc. and its affiliates operating in
5 Arizona ("AT&T") request that the Commission reject or, at a minimum, suspend for further
6 investigation the proposed tariff revisions filed by Sprint Communication Company L.P.
7 ("Sprint") to introduce Toll Free 8YY Transit Traffic Service. Sprint filed its proposed tariff on
8 August 21, 2009 and requests that the tariff become effective October 1, 2009 (the "Proposed
9 Tariff"). Sprint's proposed Toll Free 8YY Transit Traffic Service transports toll free traffic
10 originated by a third party that is not an end user or other user of Sprint's local exchange or
11 exchange access service through its wire center to an IXC customer.

12 As an interexchange carrier, AT&T is required to pay intrastate switched access fees to
13 competitive local exchange carriers, such as Sprint, when providing toll-free 8YY service in
14 Arizona. Any additional costs incurred as a result of Sprint's Proposed Tariff may effect how
15 AT&T provides services in the state. Thus, AT&T has a substantial interest in ensuring that
16 access fees, including toll-free 8YY transit charges and directly related 8YY query charges, are
17 reasonable, accurate and consistent with the public interest.

18 In the Proposed Tariff, Sprint's descriptions of how and in what circumstances it will
19 apply charges for its services are vague, ambiguous or nonexistent. As a result, it is impossible
20 to determine whether the new services are appropriate, the proposed rates are reasonable or
21 whether they are in the public interest. The Proposed Tariff would appear to directly and
22 adversely affect customers of AT&T, as well as the company itself. For those reasons, as
23 discussed more fully below, the Commission should reject or suspend for further investigation
24 Sprint's proposed tariff revisions.

1 across LATAs, instead it will drive a higher cost per toll-free 8YY call when compared to the
2 same access and query services provided today for toll-free 8YY traffic.

3 Although Sprint claims it is introducing its toll-free 8YY Transit Traffic Service as a new
4 service, this type of function is not new to the industry. It is being offered today by other
5 telecommunications carriers at much lower cost to AT&T and other IXC's. It is unreasonable that
6 Sprint can inject itself into an existing call flow and drive higher cost for AT&T, when AT&T
7 cannot reject Sprint's offering because of regulatory restrictions prohibiting call blocking, nor
8 choose to stay with the existing lower cost toll-free 8YY aggregation function offered by Sprint's
9 competitors. Sprint should not be allowed to take advantage of the fact that AT&T and other
10 IXC's are captive customers in this type of network arrangement. Sprint's attempt to impose
11 added and unneeded costs through this tariff filing will, if permitted, only place upward pressure
12 on retail end users toll prices.

13 2. Disaggregation Is Needed To Avoid Overbilling.

14 The Proposed Tariff contains aggregated rates that combine multiple rate elements.
15 Section 8.2.8, footnotes “#” and “##” detail the components used in calculating the per access
16 minute rate to be assessed for a direct or indirect connect for Toll Free 8YY Transit Traffic
17 Service. Footnote “##” states: “Toll Free 8YY Transit Traffic – Indirect Connect is comprised
18 of Tandem Switched Transmission, which includes Tandem Transport Termination (fixed) and
19 Tandem Transport Mileage (10 miles); Tandem Switching, and Common Transport
20 Multiplexing.” While the elements that make up the aggregated rate were provided, the method,
21 as well as the individual rates used to calculate the blended rate were not explained in the filing,
22 nor contained in the tariff. At a minimum, the aggregated rates for this service should be
23 disaggregated to ensure that only those parts of the blended rate applicable to particular

1 circumstances are charged. Without disaggregating, it would be impossible to ensure Sprint does
2 not charge for services or functions it does not perform.

3 3. The Proposed Direct Connect Description is Confusing and Unreasonable.

4 The Proposed Tariff specifies that IXC's are provided the option to directly connect to the
5 company's (i.e. Sprint's) switch via a Direct End Office Trunk (DEOT). See Section 6.1.2(F).
6 AT&T interprets this section to mean that tandem transport usage is not involved with this
7 routing option. However, directly below this paragraph, at Section 6.1.2(F)(1) and in footnote
8 “#” at Section 8.2.8, Sprint proposes to charge tandem transport rate elements such as: “one-half
9 Tandem Transport Termination (fixed) and Tandem Transport Mileage (1 mile); Tandem
10 Switching; and one-half Common Transport Multiplexing.” These tandem transport elements
11 should not apply if, as indicated above, the connection is at Sprint's DEOT which would not
12 involve any tandem transport function performed by Sprint. Sprint should be compensated only
13 for the functions it performs.

14 4. The Filing Does Not Include Information To Ensure 8YY Toll Free Calls Are
15 Accurately Categorized To The Correct Jurisdiction And Billed Correctly.

16 The filing does not include any information to ensure that toll-free 8YY calls are
17 categorized to the correct jurisdiction -- interstate or intrastate -- and billed correctly. When a
18 carrier, such as Sprint, aggregates toll-free 8YY calls, it does not know the destination of that
19 call. It therefore cannot determine the jurisdiction (Interstate or Intrastate) of toll-free 8YY calls
20 from its own network call recordings. This issue exists for all toll-free 8YY traffic across the
21 industry. Sprint must rely on jurisdictional reports provided by AT&T, an 8YY service provider,
22 to classify toll-free 8YY traffic and bill appropriate intrastate rates.
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24

1 Jurisdictional reports produced by AT&T for Sprint will not include any third party
2 aggregated toll-free 8YY traffic associated with this new service because the call detail will be
3 associated with the third party originating the call and not Sprint. The network call recordings for
4 toll-free 8YY originated traffic only identify the originating carrier of a call. As a result, toll free
5 8YY traffic aggregated from other carriers in or out of the state of Arizona will not be reflected
6 accurately in Sprint's jurisdictional reports.

7 This filing should clearly delineate how Sprint will accurately account for and
8 jurisdictionalize third party intrastate toll-free 8YY aggregated traffic, so that the proposed
9 intrastate toll-free 8YY transit rates are not applied to interstate traffic.

10 Conclusion

11 Because of the issues and concerns raised above, the Proposed Tariff should be rejected
12 or at least suspended until such time as the Commission has had an opportunity to address these
13 issues and concerns. It is not AT&T's intent to unreasonably delay the processing of this filing.
14 But, as a result of these and other potential questions, it is not possible to determine whether the
15 Proposed Tariff and rates contained therein comply with applicable statutes, Commission rules
16 and are in the public interest. AT&T pays Sprint both originating and terminating intrastate
17 switched access rates on intrastate interexchange calls placed by their customers and has a
18 significant interest in ensuring that Sprint's intrastate switched access rates are lawful and
19 appropriate. AT&T respectfully requests, therefore, that the Commission reject or, at a
20 minimum, suspend Sprint's Proposed Tariff for further investigation.

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RESPECTFULLY SUBMITTED this 15th day of September, 2009.

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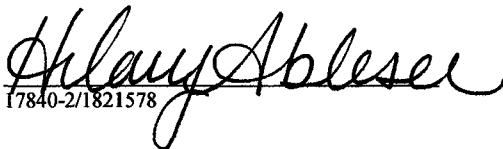
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